



Tribunals Service

War Pensions and Armed Forces Compensation

13 October 2008

Dear (service user),

I am writing to inform you of the decision to establish a dedicated War Pensions and Armed Forces Compensation Chamber.

As you may already be aware, subject to Parliamentary approval, we plan to establish two new tribunals on the 3 November – the First-tier and the Upper Tribunal. Most existing tribunal jurisdictions will be transferred into the two-tier system and Chambers will be established within them so jurisdictions can be grouped together appropriately.

Previously we had put forward proposals for the Pension Appeals Tribunal (PAT) to transfer into the First-tier as part of the Social Entitlement Chamber. However concerns were raised about the possible impact on the service which the PAT provides to you as a result of this. We have listened to those concerns closely and worked with the Confederation of British Service and Ex-service Organisations (COBSEO) and other ex-service organisations on an alternative plan that would transfer the PAT jurisdiction into a separate War Pensions and Armed Forces Compensation Chamber. We have now laid the orders for the creation of this dedicated Chamber in Parliament.

The decision to establish this new Chamber recognises the special nature of a jurisdiction delivering services to those who have served their country and in recognition of the special relationship between service personnel and the Government.

How will the War Pensions and Armed Forces Compensation Chamber work?

- All of the functions of the current PAT (in England & Wales) would transfer to the new Chamber.
- Procedural rules specific to the Chamber have been drafted and signed by the Tribunal Procedure Committee, following consultation with ex-service organisations, and the President of PAT (England and Wales).
- In establishing rules that are specific to this Chamber those who currently use PAT (E&W) will have the same level of procedural protection as users of the PATs in Scotland and Northern Ireland as rules have been made with the specific needs of this jurisdiction in mind.
- In further recognition of the special relationship other measures have been taken to ensure that appeal panels must include those who understand the particular nature of service in the armed forces; and for the jurisprudence in Scotland, Northern Ireland and England and Wales to remain consistent.
- Service members (with experience of service in Her Majesty's naval, military or air forces) will continue to sit on the hearing panels and maintain their present role without diminution or alteration.

What are the benefits of moving to the two-tier tribunal structure?

- All Chambers will enjoy a statutory guarantee of continued judicial independence. The present PATs do not have such a guarantee
- For the first time it will be possible for there to be a further appeal on a question of law against assessment decisions by claimants in all parts of the United Kingdom, something which is not possible under the existing statutory framework.
- The Chamber will have access to the entire Tribunals Services' hearing venue network
- There will be the ability to readily draw upon suitably qualified Judges and medical experts within the wider tribunal system if required

What will be the changes users see?

- There will be very little change for users.
- The Lord Chancellor will ensure that staff deployed on armed services' work will be staff who understand armed services' requirements and who will work in effective liaison with the organisations that represent users.
- "Branding" will continue to be distinct so that users understand they are dealing with a specialist armed forces jurisdiction.
- Onward appeals from the War Pensions and Armed Forces Compensation Chamber and from the PATs in Scotland will lie to the Upper Tribunal created by the 2007 Act, which will take over the jurisdiction of the Pension Appeal Commissioners.
- Assessment appeals from the PATs in Northern Ireland will also lie to the Upper Tribunal and entitlement appeals will continue to go to the Pension Appeal Commissioners in Northern Ireland who are themselves judges of the Upper Tribunal.

COBSEO and the other ex-service organisations we have been working with have agreed that the proposals for the new Chamber addresses their concerns and provides the assurances they sought on PAT work in the new structure.

We hope you feel re-assured that the best features of the PAT will be preserved and protected in the new system and that you will benefit from the extended rights of appeal and the guarantee of judicial independence.

Yours truly,



Jeanne Spinks
Tribunals Service, Acting Chief Executive